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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA
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10 UNITED STATES OF AMERICA,)
11 Plaintiff,) CASE NO. 2:18-CR-00418-RFB-NJK
12 vs.)
13 MATHEW ASPATORE,)
14 Defendant.)
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16 **MOTION FOR PRE-PLEA PRESENTENCE REPORT**

17 MATHEW ASPATORE, by and through his attorney, MONTI JORDANA LEVY, of
18 WRIGHT MARSH & LEVY, respectfully moves this Honorable Court to order the Department of
19 Probation to prepare a pre-plea presentence report to determine Mr. Aspatore's applicable criminal
20 history¹.

21 DATED this 3rd day of January, 2022.

22 /s/ Monti Jordana Levy
23 MONTI JORDANA LEVY
24 Attorney for Matthew Aspatore

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¹Defense counsel has met and conferred with the Government prior to filing this motion.
The assigned AUSA has indicated that he has no position on this matter.

MEMORANDUM OF POINTS AND AUTHORITIES

Defendant Mathew Aspatore is charged by Indictment with one count of Felon in Possession of Firearm and one count of Felon in Possession of Ammunition. Mr. Aspatore has been contemplating a plea agreement with the Government, however, he is unsure of his actual criminal history category due to the fact that he has prior offenses that may be considered crimes of violence under the United States Sentencing Guidelines as well as the fact that he has pleaded guilty in a State case arising out of the same incident as the instant charges. Additionally, Mr. Aspatore had pending cases at the time of this case, which have since been closed.

To ensure that Mr. Aspatore has all of the information he needs to make a knowing and intelligent decision as to whether to accept or reject the Government's offer of negotiation, he respectfully requests that a Pre-plea Presentence Investigation Report be prepared.

Mr. Aspatore's counsel has spoken with the assigned AUSA, Nick Portz, who stated that he takes no position on this request.

Respectfully submitted,

WRIGHT MARSH & LEVY

/s/ Monti Jordana Levy
MONTI JORDANA LEVY, ESQ.
Nevada Bar No. 8158
Attorney for Mathew Aspatore

[PROPOSED] ORDER

IT IS HEREBY ORDERED that the United States Probation office prepare a Pre-Plea Presentence Investigation Report with respect to Defendant Mathew Aspatore's criminal history points and corresponding criminal history.

DATED: January 31____, 2022.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3rd day of January, 2022, I caused a copy of the foregoing **MOTION FOR PRE-PLEA PRESENTENCE REPORT** to be served via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

BY /s/ Debbie Caroselli
An employee of Wright Marsh & Levy